

## REMARKS

Reconsideration of this application is respectfully requested in light of the amendments and remarks made herein. Claims 1-4 are amended herein. Claims 5-9 were previously withdrawn from consideration. New claims 10-25 are presented for examination.

In brief, the present claimed invention is directed to an operator alterable space for use in a magazine-based data cartridge library. The magazine-based library generally comprises an operator alterable space, a shelf system for supporting cartridge magazines, a drive adapted to read and right data on a data cartridge, and a robotic magazine transport for transporting a magazine from the shelf system in position for a cartridge transport to move a data cartridge from the data cartridge magazine for use with the drive. The operator alterable space is defined by a frame adapted to accommodate one of a plurality of interchangeable modules including a shelf module and a drive module wherein the shelf module is adapted to accommodate at least another data cartridge magazine and the drive module is adapted to accommodate at least another drive. The shelf module is capable of replacing the drive module through an opening in the frame.

### Rejections Under 35 U.S.C. § 102

Claims 1, 2 and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,442,500 to Hidano et al (hereinafter referred to as "Hidano").

Hidano is directed to a data cartridge library capable of being loaded with magazines adapted to contain a large number of data cartridges thereby reducing the workload of loading data cartridges in a library by an operator. Hidano's library is generally comprised of a magazine rack 2b that is arranged between a first and second cartridge rack 2a on one side of the library with drives and a third cartridge rack 2a on the other side of the library (see column 4 Lines 32-50, Figures 2, 3 and 5). The magazines are loaded by an operator from the outside of the library by way of a slide table 52. The cartridges are displaced by a picker accessing the magazines through an opening in each magazine opposite the outside opening associated with the slide table 52. The cartridges can be moved from the magazines disposed in the magazine rack 2b to accommodating locations associated with the cartridge racks 2a or alternatively a drive for reading and writing.

In contrast, as recited in amended independent claim 1, Applicant's magazine-based

data cartridge library comprises “an operator alterable space capable of accommodating at least a shelf module or a drive module interchangeably located within a space defined by said frame, said shelf module capable of supporting at least a third data cartridge magazine and said drive module capable of comprising at least a second drive.” Further, Applicant’s claim 1 recites, “said operator alterable space comprises a library mounting structure for receiving one of said modules, a first side that is exposed to said cartridge transport device and a second side that allows an operator to attach one of said modules to said mounting structure.”

Nowhere does Hidano disclose an operator alterable space capable of accommodating at least a shelf module or a drive module interchangeably. In fact, Hidano does not disclose or teach that any of the drives, the main rack 2a or the magazine rack 2b occupies a space in a modular fashion. Examiner asserts that Hidano’s magazine rack 2b is modular based on FIG. 2. This assertion is incorrect and relies on the diagram drawing of FIG. 2 which just distinguishes the different elements of Hidano’s library, namely the main rack 2a, the magazine rack 2b, the drives 95, a housing 3, etc. Furthermore, there is no disclosure of a mounting structure for receiving a module that allows an operator to attach at least a shelf module or drive module interchangeably in Hidano. Because Hidano fails to disclose at least the discussed features of claim 1, it is clear that Hidano does not anticipate claim 1, and applicant respectfully submits that claim 1 is allowable.

Dependent claim 2 depends directly from independent claim 1 and is distinguishable over Hidano at least for the same reasons as set forth above. Furthermore, Applicant’s claim 2 recites, “an opening for receiving said third data cartridge magazine; said housing structure comprising a shelf module mounting structure for interfacing with said library mounting structure such that when said shelf module is mounted within said space defined by said frame, said opening is exposed to said first side that is exposed to said cartridge transport device and magazine transport device.” Hidano fails to disclose a shelf module mounting structure because Hidano does not disclose an interchangeable shelf or drive module. Hidano also fails to disclose a cartridge transport device and a magazine transport device located on the same side of a shelf module, rather Hidano discloses a slide table (magazine transport) 52 opening to the outside of the library opposite the side of the cartridge insertion/ejection ports that is accessible by the cartridge transport device 80 (Fig. 2; column 2, lines 10-17; column 4, lines 25-31). Because Hidano fails to disclose at least the discussed features of claim 2, it

is clear that Hidano does not anticipate claim 2, and Applicant respectfully submits that claim 2 is allowable.

Dependent claim 4 depends directly from dependent claim 2 and indirectly from independent claim 1 and therefore is distinguishable over Hidano at least for the same reasons as set forth above. Because Hidano fails to disclose at least the discussed features of independent claim 1 and dependent claim 2, it is clear that Hidano does not anticipate claim 4, and Applicant respectfully submits that claim 4 is allowable.

#### Rejections Under 35 U.S.C. § 103

Claim 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hidano in view of U.S. Patent No. 5,818,723 to Dimitri (hereinafter referred to as "Dimitri").

Dependent claim 3 depends indirectly from amended dependent claim 2 and indirectly from amended independent claim 1 which, as discussed above, is distinguishable over Hidano. The combination of Dimitri and Hidano still does not disclose every element recited by Applicant's independent claim 1 and dependent claim 2. Even assuming, *arguendo*, that the Examiner's combination of Hidano and Dimitri is proper, and assuming that the Examiner's contention regarding the combined disclosure of Hidano and Dimitri is accurate, the proffered combination still fails to teach or suggest each element of independent claim 1 and dependent claim 2, such as a magazine with a operator alterable space capable of accommodating at least a shelf module or a drive module interchangeably and a shelf module mounting structure for interfacing with a library mounting structure, and thus cannot render dependent claim 3 obvious. Applicant thus respectfully submits that claim 3 is allowable.

#### New Claims Presented Herein

New claim 10 features a magazine-based data cartridge library with "...an operator alterable space defined by a frame adapted to accommodate one of a plurality of interchangeable modules including a shelf module and a drive module wherein said shelf module is adapted to accommodate at least a third data cartridge magazine and said drive module is adapted to accommodate at least a second drive; said shelf module capable of replacing said drive module through an opening in said frame." This feature is described in the specification paragraphs [0030] and [0110], and thus no new matter is added by the

presentation of new claim 10. New claims 11-18 each depend directly from independent claim 10. None of the prior art of record, including Hidano, appears to describe, teach, or suggest the invention of claims 10-18, and thus these claims are allowable.

New claim 19 features a method of "inserting a drive module into said operator alterable space through an accommodating opening from an exterior location of said library wherein said drive module is capable of comprising a plurality of drives; and providing power to said drive module through power means provided by said library; attaching said drive module fixedly to a mounting structure." These features are described in associated text of the specification of the present invention in paragraphs [0030] and [0110], and thus no new matter is added by the presentation of new claim 19. New claims 20-25 each depend directly from independent claim 19. None of the prior art of record, including Hidano, appears to describe, teach, or suggest the inventions of claims 19-25, and thus these claims are allowable.

The newly added claims 10-25 are drawn towards the subject matter as the elected claims and therefore applicant believes that these claims are properly set forth within the scope of the elected species

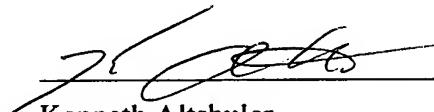
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Authorization To Charge Necessary Fees

The Commissioner is hereby authorized to charge any additional necessary fees associated with this submission, or credit any overpayment, to Deposit Account No. 50-0289.

Respectfully submitted,

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